

OF THE ANCIENT
CUSTOMES
AND
Approved Manners of the Honourable City
OF
LONDON.

THE Mayor-Councillors by authority
of the City before the Mayor and Aldermen the Mayor-Councillors in the
Common Hall, with the
Sheweth that on day at
The Mayor-Councillors do
within the City and
County of Middlesex
and other business
and that all the
and the Mayor-Councillors





THE ANCIENT
CUSTOMES
AND
Approved Usages of the Honourable City
OF
LONDON.



THE Mayors Court is held by custome
of the City before the Mayor and Al-
dermen that are for the time, in the
Chamber of Guild-Hall, or in the Ha-
stings, from day to day at their will.
There are treated, determined, and dis-
cussed, the pleas and matters touching
Orphans, Apprentices, and other businesses of the same
City; And there also are redressed and corrected the de-
faults and misprisions of such things which are against
the

City Cat p. 90.

the Customes and Ordinances of the City, as well at the suite of the party, as by enquest of office, and in other manner by suggestion, according as the cases demand. And there they use to order the Bakers, Brewers, Victuallers, and Tradesmen, and to treat and ordaine for the Government of the City, and for maintenance of the peace of our Sovereign Lord the King, and other points necessary concerning the said City, by their discretion, and according to that the time requires.

Of the Ministers of the City.

Item, the Officers and Ministers of the said City, being found in default, are justifiable before the Mayor and Aldermen, as well at the suite of the parties, by proceffe made, as in other manner, according to the said Mayor and Aldermens discretion.

Of Actions of Debt.

Item, the said Mayor and Aldermen have used there also to hold and determine pleas of Debt and Actions personall whatsoever by bill, as well between Merchants and Merchants, for merchandize, as betweene others that will take them by process made against the parties.

Of recognisances and executions thereupon.

Item, the Mayor and Aldermen, or the Mayor and Chamberlain of the City, may take before them in the said chamber a Recognizance of Debt, of all such as will make any, and of what sums soever; And if the day of payment be incurred, then he to whom the Recognizance is made, out of this Record, shall have execution of all the goods of the Debtor, and the moiety of all the Tenements within the said city by extent; and at a certain rate according to the course of the common Law,

Of pleas of Debt.

Stat. of Smithfield.

Item, pleas of Debt, according to the Ordinance, called *The Statute of Smithfield*, are determinable onely before the Mayor and Aldermen, according to that which is more fully contained in the Ordinance thereof made.

Of Assizes of Nuisances.

Item, the Assizes of Nuisance are determinable by bill before the Mayor and Aldermen, which bill shall be served by the Sheriffes, And the parties shall be summoned on the Wednesday against the Fryday, and then the Mayor

Mayor and Aldermen ought to proceed in plea, according as is contained in the Ordinance of assize, of Nufance in the said City.

Item, the Mayor and Aldermen have alwayes used to make penall Ordinances upon victuals, and for other the government of the said City and of the peace, according to their discretion and advise, and to proclaime the same Ordinances within the said City openly for to be held & kept in the name of our Sovereign Lord the King, and of the City, upon pain thereof ordained, and the same paines to levie of all such as do against the Ordinances aforeaid, &c.

Of making of Ordinances.

Item, the Mayor and Aldermen have alwayes used to cause to come before them, the Malefactors which have been taken and arrested within the said City, for carrying of tales, and spreading abroad of newes imagined in disturbance of the peace, makers and counterfeiter of false Seales, and false Charters, and for other notorious deacts, and those which they have found culpable of such misdeeds by confession of the parties, or by enquest thereof made shall be punished by setting in the pillory, or further chastised by imprisonment according to their merit, and according to the reasonable discretion of the said Mayor and Aldermen.

Of Malefactors.

Item, the Mayor and Aldermen may by usage of the said City change proces, and abridge delays in Actions personal, as well before themselves, and in the Sheriffes Court, and make new Ordinances such personal pleas, the which Ordinances they conceive to be reasonable & profitable to the people.

Of change of proces, and abridging of delays.

Item, it is to be understood that all the city of London is held of our Lord the King in free burgage, and without mesne; And all the Lands and Tenements, Rents and services within the said City and the Suburbs thereof, as well in rendition, as in demesne, are devisable by usage of the said City; So that men and women by usage of the said City, may devise their tenements, rents, and re-

That the City of London, is held of our Sovereign Lord the King, in free burgage.

versions

versions within the said City, and Suburbs thereof, to whom they will, and of what estate they will, And may also devise a new rent to rise from their tenements, in manner as they like best, And those which are Free-men of the same City, may devise their tenements in mortmain, as appeareth by the Charter of the King thereof made.

That infants within age, nor women covert baron, may not devise.

Item, He that holdeth tenements with others, may devise that which to him belongeth without more adoe. But Infants within age may not make a devise, nor women covert may not devise their tenements by licence of their husbands, nor in other manner during the coverture.

That a man cannot devise his tenements to his wife, but for terme of life.

Item, the husband may not devise his tenements to his wife for a higher estate then for terme of life, and the wife cannot claime other estate, upon pain to lose the whole. Neither may the husband devise the tenements descended to his wife, nor the tenements which the husband and the wife have joyntly purchased. But if the husband and the wife have tenements joyntly to them, and to the heires of the husband, the husband may devise the reversion. All testaments by which any tenements be devised, may be inrolled in the Hastings of Record, at the suite of any which may take advantage by the same testaments. And the testaments which ought so to bee enrolled shall be brought before the Mayor and Aldermen in full Hasting, and there shall the said testaments be proclaimed by the Serjeant, and the same also to bee proved by two discreet men well knowne, the which shall bee sworn, and examined of all the circumstances of the said Testaments and of the estate of the Testator, and of his seale, and if the proove be found good and loyall and agreeable, then shall the said Testament bee inrolled in the same hasting of record, and the fee shall be payed for the inrolment, and no Testament nuncupative nor other Testament may be enrolled of record except that the seale of the Testator be put to the same Testament. But

Testaments nuncupative.

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the testaments that may be found good and loyall are effectually, although they bee not enrolled, nor of record.

Item, The testaments within the said City, ought by custome of the same City, to be adjudged effectual, and executory, having regard to the Testators Wills, although that the words of such Testaments be defective, and not according to the common law.

Of testaments defective, yet effectual.

Item, where a reversion or rent be devised by testaments enrolled of record in the Hastings, the same reversions and rents passe presently after the death of the Testator; so as those to whom such rents be devised, may distreine for their rents, and make avoury, & those in reversion may sue a Writ of waste at their will without other attourment of the Tenants. And they may plead for the same enrollments, if need be, although they have not the said testaments in hand. And the same Custome holdeth place of Charters, Indentures, and other Writings inrolled in Hastings of Record, and such inrollments have alwayes been used; so that the testaments bee proclaimed and proved in full Hastings as aforesaid. And the Charters, Indentures, and other Writings enrolled may be accepted. And the confessions & confessions of women, have beene received before the Mayor and one Alderman, or before the Recorder and one Alderman, or before two Aldermen for necessity, as well out of the Court, as in; So that the same Charters, Indentures and other Writings so acknowledged, bee after entred and enrolled in some of the Hastings, and the Fees thereof paid, as the manner is.

Of Rent devised by testament.

Item, where a man hath devised by his Testament, enrolled a certaine Rent to arise out of his Tenements within the said City, without clause of distresse: yet by usage of the City, he to whom the devise is made, may distraine, and avow the taking, if the rent be behind. And in the same manner shall be done, of all antient rents, called quit rents, within the same City.

Rent devised without clause of distresse.

of Orphans.

Item, the Mayor and Aldermen that are for the time by custome of the City, shall have the Wardships and Marriages of all the Orphans of the said City, after the death of their Ancestors, although the same Ancestors do hold to them, and the City of any other Lord, by what service soever.

And the same Mayor and Aldermen ought to enquire of all the Lands and Tenements, Goods and Chattels, within the said City, appertaining to such Orphans and safely keep them to the use and profit of such Orphans, or otherwise commit the same Orphans, together with their Lands and Tenements Goods and Chattels, to others their friends: by sufficient Surety found of record in the Chamber of Guild Hall, to maintaine conveniently the said Orphans, during their nonage, and their Lands and Tenements to repaire, and the said Goods and Chattels safely to keepe; and thereof to render a good and loyall accompt before the said Mayor and Aldermen, to the profit of the same Infants, when they shall come to their age, or when they shall be put to a mystery, or shall marry by the advice of the said Mayor and Aldermen.

And that in all cases, except that it be otherwise ordained and disposed for the same Orphans, or for their Lands and Tenements, Goods and Chattels by expresse words, contained in the Testaments of their Ancestors.

To marry by the assent of the Mayor.

And no such Orphans ought to be married without the assent of the said Mayor and Aldermen. And also where Lands or Tenements, Goods & Chattels within the same City, are devised to an Infant within age, of one City, or of the same City, living his Father, that such an Infant is no Orphan: yet by usage of the said City, the said Lands and Tenements, Goods and Chattels, shall be in custody of the Mayor and Aldermen, as well as of Orphans to maintain and keepe them to the use & profit of the same Infant; except that the Father of the
 infant

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Infant, or some other of his friends, will find sufficient surety of record to maintaine and keepe the said Lands and Tenements, Goods and Chattels, to the use and profit of the said Infant; and thereof to render a good and loyall accompt, as is aforesaid.

And it is to be understood, that where a Citizen of the same City hath a wife and children, and dyes; all the goods and chattels of the said party deceased, after his debts be paid, shall be divided into three parts; whereof, one shall remain to the dead, and shall be distributed for his Soules benefit; and the other part, shall bee to his wife: and the third part to his children, to bee equally shared betweene them; notwithstanding any Will made to the contrary.

That the goods of the testator shall be parted into three parts.

And therefore, as well the wife, as the children, may have their recovery and suit to demand such goods and chattels against the Executors, or other Possessors of the said goods and chattels, before the same Mayor and Aldermen by Bill.

No devise to the contrary.

Item, By ancient custome of the City, it was not lawfull for any Stranger or Forreigner, to sell Victuall, nor other Merchandize, to any other Stranger or Forreigner within the same City to sell again; nor for no such Stranger or Forreigner to sell Victuall, nor other Merchandize within the City by retayle.

That No Forreigner shall sell Victuall, or other Merchandize, to any other forreigner by retayle.

Item, By antient custome of the said City of London, the Citizens Ministers of the same City ought to obey no Commandement, nor no Seale, but only the commands, and immediate Seale of our Lord the King. Nor ought any Officer of our Lord the King to make seizure, or any execution within the said City, nor within the Franchise thereof, by Land, or by Water, but only the officers of the said City.

Item, Of Judgments given in the Sheriffs Court in actions personall, or in Assizes taken before the Sheriffs, and Coroner, by custome of the said City; the parties against whom such Judgments are given, may sue a writ of

Of a writ of Error.

of Errour, directed to the Mayor and Sherifes, to reverse the said Judgment in the Hasting, if the Judgment be reversible.

And although such judgments be affirmed in the Hasting, yet the same party may sue another Writ of Errour directed to the Mayor and Sherifes, to cause to bring the Record and Proces before the Justices assigned, at *St. Martins the Great*, as it hath been done heretofore.

But if any party by such judgment given before the said Sherifes, be convicted in debt or in damage; and for that cause bee committed to prison, untill hee hath made agreement; and after pursue a Writ of Errour to reverse the judgment in the Hasting: or, although the Judgment be affirmed at the Hasting, & the said parties will sue another Writ of Errour to reverse the same Judgment before the Justices assigned at *St. Martins the great*, as afore is said: Yet notwithstanding, the same party which is so imprisoned, ought not to be delivered out of prison by ancient custome of the City, by reason of such a Writ of Errour, before that he hath found sufficient surety within the said City, or put the money in the hands of the Court, to pay him that shall recover, or in case that the said Judgment be afterward affirmed.

And in case that such a Writ of Errour be sued to reverse any Judgment given in Hasting before the Justices assigned at *St. Martins the Great*, and it be commanded by Writ to warn the parties, and to cause them to bring the Record and Proces before the same Justices, then shall the parties bee warned as the Law requires.

But no Record shall bee brought before the said Justices in writing by custome of the City; but the Mayor and Aldermen shall have forty dayes respit assigned by the same Justices after their first Session there, to bee advised of the said Record, & of the Proces thereof; and at the first Session of the Justices, after the forty dayes, the

the said record and processe shall bee recorded before the same Justices, by the mouth of the *Recorder* of the said City *ore tenus*.

And of Judgments given before the Mayor and Aldermen in the Chamber of Guild-Hall, according to the Law of Merchants, no Errour was ever writ to be sued.

Item, By ancient custome of the City, all the Liberties, Priviledges, and other Customes pertaining to the same City, ought to be recorded by mouth, without being put in any other manner in writing.

Item, The Citizens of *London* by custome of the City, ought not to go out of the City, by writ, or other manner, to passe in any Enquest.

Item, Wives after the death of their husbands, by custome of the City, shall have their free bankes; that is to say the wife after the death of her husband, shall have of the tenement within the City, whereof her husband dyed, seised in fee, and in which tenement the said husband and she were remaining together at the time of the death of her husband, the Hall, the principall chamber, and the celler, wholly; and her easement in the Kitchen, the chiefe table and curtilage in common, or other necessities to her appertaining for terme of her life.

*Of not putting
citizens in En-
quest out of the
city.*

And at what houre that she shall marry, she shall lose the free bank, and her dower thereof, saving to her the dower of her other tenements, as the Law requires.

Item, Every Free-man using a Mystery may by usage of the same City, take an Apprentice to serve him, and to learne his Art and Mystery; and that by Indentures that shall be made betweene him and his said Apprentice.

The which Indentures shall be examined and enrolled of record before the Chamberlaine of Guild-Hall. And such Apprentice may bind him selfe, or his friends may put him to his Master by their Indentures, if he bee

of convenient age, according to the discretion of the Chamberlain, or of the Mayor and Aldermen, if need be.

And no Apprentice by custome of the City may be put for lesse terme then 7. yeares; and the Indentures ought to be enrolled within one year after the making thereof, under a certain pain therefore limited; and after such Apprentice hath well and loyally served his terme, he shall be a Free-man of the City without other redemption, where no other may come to the freedome without redemption, save such that are born within the said City, of what Countrey soever they be, of the allegiance of our Lord the King, by usage of the said City, are also Free-men by their Mystery, having regard to the priviledges of the Franchise, as such as have bene Apprentices, or otherwise have come to the Freedome by redemption.

And women covert that use certain crafts within the City by themselves without their husbands, may take women to their Apprentices, for to serve them, & learne their Crafts.

And the which Apprentices shall be bound by their Indentures Apprentices to the husband and his wife, to learn the Mystery of the wife, as is aforesaid. And such Indentures shall be enrolled, as well of women, as of men.

And it is to be understood, that every one having such apprentice, may sell and devise his said apprentice unto whom he will of the same Art, as his chattell.

*To arrest on
the River of
Thames.*

Item, The River of the Thames doth serve as the bounds of the Franchise of the City, for part and parcell of the City; and the same River, and all appertaining to the said River, being within the said Franchise, hath been alwayes in the government of the same City, as parcell of the City aforesaid, as well the one part of the River, as the other.

And the Sheriffes of London that are for the time being

ing, have alwayes used to make arrests, and serve executions at the suit of the parties, in the said River of Thames, *v. z.* from the East part of *London* Bridge untill the return; and from the West part of the said *London* Bridge, unto *Stanes* Bridge.

Item, The said Sheriffes of *London* ought by usage of the City to have forfeitures of the chattels of all kind of Fugitives and Felons, and of Derdains within the said City, and the said River of Thames in ayde of their Farme which they pay yearly to our Sovereigne Lord the King.

Item, By custome of the City, no attaint is maintainable, nor lyeth within the same City.

Item, By ancient custome of the City, no man remaining within the same City, was wont to be taken or carryed out of the said City, by colour or claime of villenage, before that the matter was discussed by course of Law.

Item, If a Free-man of the said City, comming or passing with his merchandize else-where out of the same city, be constrained to pay Toll, or other custome, or that his Wares be arretted, stayed wrongfully and without reasonable cause, and that it be sufficiently witnessed by men of credit: then, if afterward, the goods or Merchandizes, of him that did the wrong, or the Goods or Merchandizes of others of the same Village where the wrong was done, be found within the City of *London*, the use is at the suggestion of the party to arrest such goods and merchandizes by the Ministers of the City and to detain them in the name of *Withernam*, untill a *withernam* agreement be made with the said Free-man for the damages which he hath sustained by the cause, saving always reasonable to answer that party, as wel to the one party, as to the other.

Item, The Citizens of *London* of ancienttime, ordained a house, called the Tonne in *Cornhill*, To which *Of the Tonne in Cornhill.* house the Constables, Bedels, and other Officers and

people of the City into the same, have used to bring and there for the time, to imprison the trespassers going in the night against the peace, married men and women found in adultery, and Chaplaines, and others religious, found openly with common women, or with other mens wives in the night, in suspicious places; and after, to lead them before their Ordinaries.

Item, The City of *London* hath conuſance of Pleas by the Kings charter.

And there is a use, that no Free-man of the same city shall implead another Free-man of the same city, otherwise then in the same city, where he might have recovered within the said city, upon pain of losing their Freedome.

*Of the Mayors
see at the Kings
coronation.*

Item, He that is Mayor of *London* for the time, shall have a Golden Cup at the Coronation of every King. And also there are other priviledges pertaining to the said Mayor and City, at such coronation of the King, according to the ancient custome of the city.

Item, The use is, that the chiefe Butler of our Sovereigne Lord the King, shall be the chiefe Coroner of the city of *London*; and the which Coroner hath used to make by Writ, a Substitute in his place, which Substitute is called Coroner; and before whom, the Indictments and Appeales are taken within the said city, before the two Sheriffes, and the Coroner joyntly.

Enquests taken upon the death of a man, upon the first sight of the body, are chosen out of the four Wards next adjoyning, and summoned by the Bedels of the same Wards.

And all other enquests taken before the Sheriffes and Coroner joyntly, ought to be arrayed and summoned by the Sheriffes and their Officers.

Item, Heretofore where any Thiefe being in the Goal of Newgate, hath appealed another Thiefe, being in some other Goal, that Thiefe remaining in the other Goale, was wont to bee sent for by Writ to the said Goale of
Newgate

(17)

Newgate, to answer to the said appeale, and to have his deliverance there.

And in the same manner, if a Thiefe being in another Goale, hath appealed another man abiding in the said Goale of Newgate, or any other of the said city, the same appealor being in another Goale, shall be brought by Writ to the said Goal of Newgate, to maintaine his said appeale there. And no Thiefe being in the Goale of Newgate taken with the manner shall be carryed out of the said city to be at his deliverance, before the Mayor of London, and other Justices assigned for the said Goale of Newgate.

Item, Because that the Village of *Southwarke*, and the *Common-Stewes*, over the River of *Thames*, are so neere to the said City of *London*, and that Thieves and other misdoers are often-times from thence comming and repairing, and often times after their Theeveries and Felonies committed within the said City, flye and withdraw themselves out of the same City, unto the said Stewes, and to the said Village of *Southwarke*, within the Franchise there, being out of the power of the said City, where they abide and watch their times, to return to do mischief: Whereas the ministers of the same city have used at all times to pursue and search for such Thieves and Evill-doers at the said Stewes, and in the said Village of *Southwarke*, as well within the Franchise, as without, and to bring them to the said Goal of Newgate to attend their deliverance there before the Justices, as well upon iuspition, as at the suit of the party. *Southwarke*
Common-places

Item, Where prisoners are condemned or arrested *Of Prisoners* and committed within the said City, and be committed *condemned* to prison at the parties suit, and after bee sent for by a Writ to the Exchequer, or in other places of the King with their causes, the same prisoners after that they bee delivered in the Kings Court ought to be sent backe againe to the said City, to answer the parties, and attend their deliverance.

Item,

Of houses decayed within the City.

Item, Those which have tenements within the said City, shall not be suffered to despoile or waite their own tenements, nor them to take down in disorderly sort, nor to the disgracing of the said City, except it be to amend or re-edifie the same.

And if any man shall do or begin to do it, he shall be restrained by the Mayor and Aldermen, and punished for the trespassse, according to the custome of the City.

Of Penhouses. *Item,* If Wallis, Penhouses, or other tenements whatsoever within the said City, extending towards the high-ways, be so rotten and feeble, that people dare not passe that way for the danger of their sudden fall; then after that testimony be given to the Mayor and Aldermen, by the Masons and Carpenters that are sworne to the said City, or it be found in the Wardmote, that the perill is such; then the same Mayor and Aldermen shall warne the party to whom the tenements belong, to amend and redresse them as soon as he may well do the same. And if after such warning, the said tenements be not amended, nor begun to be amended within 40 dayes after; then shall the said tenements be amended and redressed at the costs of the same party.

Defects in tenements.

And the said tenements shall remaine in the hand of the said City, untill the costs thereupon bestowed, be fully levied, if the possessors of the said tenements have no other tenements, nor goods, nor chattels within the City.

And if he hath other tenements, or goods, or chattels, within the City, the costs shall be levied of his goods and chattels, or of his other tenements, if need be.

Item, What house soever that is found within the said City, or the Suburbs, to be covered with Reed, or with Shingle; he to whom the house belongs, shall pay to the Sherifes that are for the time 40 s. and shall be made pull down the said covering.

Item, If any house within the said City be on fire, so that the flame of the fire be seen out of the house, the dwel-

dweller in the said house, shall pay unto the said Sheriffs 40.s. at the first demand.

Item, The Mayor and Aldermen, and Sheriffes, and all other Officers and Ministers of the said City, are elected by the same City, *viz.* At the time when the Mayor shall be chosen, the Commons of the said City shall by usage, be assembled at Guild-hall, and the same Commons shall make election of two wise men of the said City: of the which one shall be Mayor; and the names of the said two prudent men, shall be reported before the Mayor and Aldermen, that are then for the time, in the chamber of Guild-hall; and then one of the two shall be chosen Mayor, by the Mayor and Aldermen there, by way of lot. And the said Mayor so newly chosen, the morrow after the Feast of St. Simon and Jude shall be presented to the Barons of the Exchequer at Westminster, or in absence of the said Barons, to the Constable of the Tower; and afterward shall be presented to the Lord our Kings owne person, according as it is contained in the Charter of the said City.

*Of the election
of the Mayor.*

And the said Mayor shall have the government of the same City, under our Lord the King, for the yeare following.

And the said Mayor shall have 50 Markes a Yeare, for the weighing of corn, and 50 markes in the time of peace, of the Merchants of *Amians*, *Corby* and *Neele*, according to the ancient thereof made. And every Mayor shall hold his generall Court at Guild-hall the Monday next after the Feast of Epiphany; And there shall bee assembled all the Aldermen of the said City, and all Constables, Scavengers, and Bedles, of the Wardmotes, held by the Aldermen; and the defaults found in the Wards, shall be enquired of, and examined; And the Constables, Scavengers, and Bedels, shall be sworne a new, to execute well and loyally their Office, for the time that they shall be Officers.

And the Mayor that is for the time, by custome of the
said

said City, for maintenance of the peace and tranquillity within the same City, hath power to arrest and imprison the disturbers of the peace, and other evill doers for resistances, ill speeches, and other defaults, according to his discretion, without being for the same impeached, or sued afterward.

Of the same.

Item, No Mayor shall be chosen within the said City before that he hath been Sheriffe of the same City, by the space of a year before.

Of the sword.

Item, The Mayors of *London* which have been for the time, have used to have their Swords carryed upright, before them, within the said City, and without; without holding downe their swords in any mans presence, except in the presence of our Lord the King; and that Sword is called the Kings Sword.

Of the election of the Sheriffs.

Item, The Sheriffes of *London* are chosen by usage of the said City on St. *Matthewes* day in Guild-hall, viz. One shall be chosen by the Mayor or Gardian, that shall be for the time; and the other by the Commons: And the Sheriffes shall be afterwards sworn within the said Guild-hall; and afterwards on the morrow of St. *Michaels*, shall be presented in the Exchequer, or to the Constable of the Charter of the said City.

And the said Sheriffes shall have free election of all their Officers, and of their Farmers and Bayliffes, as well within the said City, as in the county of *Middlesex*, and of the Goalers of the Goales, within the said City, at their will, and at their perill.

And the same Sheriffes pay and are accomptible yearly to the Exchequer of our Lord the King, for the Farm of the said City, and of the County of *Middlesex*, according to the forme of the said charter of the City. And by reason of which Farme, the said Sheriffes ought to have the ancient prizes and customes of the Merchandizes coming within the City and going out; and forfeitures, fines and amerciaments, and all other commodities of ancient time belonging to their said Offices.

And

And no Merchant shall passe out of the said City, by land nor water, by wagon or cart, horse nor bridge, without a Bill given ensealed by the said Sheriffes. And those which are Forreigners ought to pay for their passage, according to the ancient custome,

That none shall passe with merchandizes without Bill.

Forraigners ought to pay. Of the election of Aldermen, and of their Office.

Item, The said Aldermen be chosen by the people of the same Wards; and the which Aldermen ought to hold their Wardmotes, as the custome is, and survey & redresse the nufances and defaults in the same wards: and shall take order concerning victuals, as else-where is declared more fully in the Articles of Wardmotes. And the Aldermen have power by usage of the said city, to arrest misdoers, and commit them to the custody of the Sheriffes, untill they be examined and delivered by the same Mayor, and the same Aldermen.

Item, An Alderman after that he hath been once made Alderman, or a Sheriffe after that he hath been a Sheriff, shall not afterwards be empannelled, nor put in any Enquest within the same City, by usage of the said City. And of every Feoffment and Seisin delivered within the Ward, the Alderman of the Ward where the tenements are shall have his Fee for the Seisin, viz. 2. s. and his Bedell 6. d.

That Aldermen shall not be empannelled

The Aldermen 2 s. the Bedell 6. d.

Item, All other common Officers of the aforesaid city as Recorder, Chamberlain, Wardens of the Bridge, common Sergeant at Law, common Sergeant at Mace, common Clerk, and Sergeant of the chamber, are chosen by the Mayor and Aldermen, and by the Commons. And the Bedels are chosen by their Aldermen, and by those of the Ward, And all the gates of the city ought to be in the hands and government of the said city, except Bishopps gate, which gate belongs to the Merchant of the Hans, according to the forme of the composition. And the Porters of the said city are chosen by the same City.

Of the election of common Officers.

Bedels elected by the Aldermen, and by the men of the ward.

Porters of the Gates chosen by men of the City.

Item, The Wardens of London Bridge are chosen by the Mayor and Aldermen, and by the Commons of the

Touching the Keepers of the said London bridge.

saide City : The which Wardens have the charge of the
saide Bridge, and the governance of the Tenements with
in the saide City, pertaining to the same Bridge. And eve-
ry Cart or Wagon, going or coming upon the same
Bridge with Merchandizes, shall pay to the use of the
Cart or wagon saide Bridge, 2.d.
to pay 2. d.

Vessels west-
minster 2. d.
Vessels East-
ward 6. d.

And every Ship or other Vessell with Merchandizes
passing by water to the saide Bridge, towards the West,
with the Mast standing : so that the Bridge must bee
drawn up, shall pay for the passage to the use of the saide
Bridge two pence, and that Vessell passing there also to-
ward the East, shall pay six pence ; and the same War-
dens are every yeare accomptible before two Alder-
men, and foure Commons thereto assigned.

Of the election
of the Cham-
berlain, and his
office.

Of the Rents
belonging to
the chamber,
Of the tene-
ments & goods
of Orphans.

Item, The Chamberlaine of Guild-hall is chosen by
the Mayor and Aldermen, and by the Commons ; and
it pertaineth to the Office of the saide Chamberlaine to
oversee and keepe all the Bookes, Rolls, Records, and o-
ther Monuments, and Remembrances, that there ought
to remaine of Record, and the treasure, if there bee any ;
and also to keepe and maintaine all the Rents and Te-
nements pertaining to the saide chamber.

And he shal also keepe the tenements, and the money
and the goods and chattels, which are devised or descen-
ded to Orphans ; untill they be committed to other per-
sons, nor otherwise disposed by the Mayor & Aldermen.

And he shall cause the Indentures of Apprentices to
be enrolled, and hee shall make these Apprentices to
serve.

And for such as are made free by redemption, he shal
set the Fines of such redemption, and he shall take fines
of such as are rebellious to their Masters or Gardians,
and for certaine other defaults committed against the
Ordinances of the City.

And

And the money thereof comming, he shall receive and keep, and out thereof, shall pay to divers Officers their wages, as to the Recorder, common Sergeant at Mace, and shall make other disbursements pertaining to his office, and shall render an account once in the yeare, how much he hath received, payed, and spent; and that before two Aldermen and foure Commoners, assigned by the Mayor and Aldermen.

And also the Citizens of *London* heretofore, have claimed and ought to have many liberties and priviledges in the Eyre at the Tower of *London*, viz. They ought to have their Porter stand without the gates of the Tower and the Porter of our Lord the King shall bee within.

Of priviledges in the circuit of the Justices at the Tower of London.

And their Usher at the Hall doore, without where the Pleas shall be held within the Tower, during all the Eyre, for the bringing in the people of the City, which have to do in the same Eyre.

And the Usher of our Lord the King shall otherwise meddle there, during all the Eyre of that thing which pertaines to the Office of the Sergeant. And that the Citizens shall make no other oath, but by the Faith they owe to our Lord the King.

And that the Sheriffes of *London* shall have the custody of all the prisoners in all the Eyre. And that none of the said City of *London*, or in the Suburbs thereof, except that the plea be afore begun, in the Husting of *London*, and after bee removed before the said Justice in Eyre, because that hee which is impleaded doth vouch a Forreigner to warranty, who hath nothing within the Franchise of the said City, but by disseisons made in the said City, after the SUMMONS of the Eyre.

And that the Pleas begun in the Court of *London*, and there depending, ought there to be ended, and ought not to be sent or removed before the Justices of our Lord the King; except some matter bee alleadged by one of the parties, of which the Court cannot hold conuſance, nor hath power to determine thereof.

And there are many other points and priuiledges, which will more fully appear in ſundry Eyres, holden at the ſaid Tower of *London*.

And alſo, many other liberties, priuiledges, and cuſtomes, are pertaining to the city of *London*; whereof no man can remember them all to ſet them downe in writing, being only recorded by mouth, when they came in truth by cuſtome of the ſame city, viz. at the laſt Eyre held at the Tower of *London*, they ought to be bound by the cuſtomes: whereupon, the ſame Citizens did ſue their Petition to the King, in theſe words:

The Cities Petition to the Kings

The city is founded upon franchises & free ancient cuſtomes.

HIGH and Mighty Lord; Whereas your ſaid City is founded upon the Franchiſes, and free ancient Cuſtomes, and not upon the common Law, as other Cities of your Realme. More it is enacted by the Great Charter, That the city of *London* ſhould enjoy all its Franchiſes and free cuſtomes unblemished, and the ſame franchises and cuſtomes, be to them by your Progenitors granted, and by your ſelf confirmed; and they ever from time to time uſed in Eyres, and elſe-where before the Juſtices, at what he ure they doe come, in deed or in demanding their franchises and cuſtomes; and that by a Statute made after the laſt Eyre, and to put their franchises and cuſtomes in certain; which things, no man can remember.

May it pleaſe your Maſteſty, to command all the ſaid Juſtices, that they be ordered, in point of challenge of their ſaid franchises and cuſtomes, as they were wont, anciently to be ordered in other Eyres before the Statute,

tute, and that by no Statute repugnant to their said franchises and customes, they be bound or deprived of their Franchises, and ancient customes; and thereupon a Writ was sent to the Justices to surcease.

A writ to surcease.

Whereas in time past, there arose by some a matter of doubt, of, and upon the most ancient custome had & used in the city of *London*, of those things which by tenants for terme of life, or for yeares, were fixed to the houses, without speciall licence of the Lord of the Soyle, whether they should remaine to the Lords of the Soyle, as parcell of the same; or whether it should be lawful for such Tenants, at the end of their tearme: all such things that be fixed, to remove.

An ancient custome in the city of London for tenants for fixing goods.

Whereupon, ancient Books being viewed, and many Records searched, and antient proceedings, and Judgments of the said city; It was declared by the Mayer and Aldermen, That by the old prescript custome of the aforesaid city, That every of the said kinds of easments fixed to houses, or to the ground, by such kind of Tenants, without speciall and expresse licence of the Lord of the Soyle, if they be affixed with nailes of Iron, or of wood, as Pantises, Glasse, Lockes, Benches, or such like; or if they be affixed with Lime or clay, commonly called Morter, as Fornaces, Lead, Candirons, Chimneyes, Corbels, Pavements, and such other: or else, if Plants they be rooted in the ground, as Vines, Trees, Orchards, &c. It shall not be lawfull for such Tenants, at the end of their Terme, or at any time, to pluck down, remove, or root out them, or any part of the premises by any meanes, but they alwayes remain to the Lord of the Soyle, as parcell of the same Soyle, or Tenements, &c.

It is to be understood, that all the Lands and Tenements, Rents and Services within the city of *London*, and in the Suburbs thereof, are pleadable at Guild-Hall within the same city, in two Hustings: whereof the one Husting

Hustings.

sting

Ring is called, *Husting of Plea of Land*; and the other Husting is called, *Husting of Common-Pleas*: And the which Hustings are held in the said Guild-hall before the Mayor, Sheriffs, and Aldermen of the said city every weeke, the dayes *Munday* and *Tuesday*, viz. On the *Munday* to demand the demandants, and to award non-suites, to allow essoynes, and the *Tuesday* to award the default, and to plead.

But for certaine times, no Hustings may be held by by the custome of the city aforesaid, viz. *Husting of plea of Land*, ought to be held a week by it selfe at the aforesaid dayes. But, the enrollments and titles of the said Hustings, make mention of *Munday* only.

Writs of Right Pattents.

*writs of right
Pattents.*

In Husting of Plea of Land are pleaded Writs of Right, Pattents directed to the Mayor and Sheriffes of *London*, which Writs have this processe by custome of the city, viz. The Tenant or Tenants shal first haue three summons at the tenements demanded at three *Hustings of Plea of Land* next ensuing, after the livery of the Writ, and without demanding the tenements at any of the Hustings aforesaid.

And after the three summons ended, three essoynes at three other Hustings of Plea of Land then next ensuing; and at the next ensuing after the third essoyne, and the Tenants making default, processe shall be made against them by a grand cape, or petit cape, after the appearance, and other processe at the common-law.

And if the Tenants shall appeare, the demandants shall count against the Tenants, in the nature of what Writ they will, except certaine Writs which are pleadable in Husting of common-Pleas, as shall be declared afterward, without making protestation to see in the nature of any writ.

And

And the Tenants shall have the view, and shall be es-
soyned after the view, as at the common-law. And the
Tenant shall have an essoyne after every appearance by
custome of the City.

And although that such a writ be abated after the
view by exception of joint-tenancie, or other exception
dilatatory, and other such Writ be revived, the tenants by
the custome of the City, shall have the view in the se-
cond Writ: notwithstanding the view before had. And
if the parties plead to judgment, the judgment shall be
pronounced by their Recorders mouth, and sixe Alder-
men were wont to be present, at the least, at the giving
of every such judgment.

And every Bedell of the City, by the advice of his Al-
dermen, against every Husting of Plea of Land, shall
summon 12 men Free-holders, being the best and most
sufficient of his Ward, to come to Guild hall, for to passe
in an Enquest, if there be need, for all the rest of the free-
holders in the said Ward. And if the parties plead and
descend to an Enquest, then shall the Enquest be taken
of the people inheritors, having at the least frank tene-
ment of the same Ward where the Tenements are, and
of other three wards next to the place where the Tene-
ments are: so that foure sufficient of men of the same
Ward, where the Tenements are, shall bee sworne in the
same Enquest, if there be so many.

*The Jurors
summoned.*

And no damages by custome of the City are reco-
verable in any such Writ of Right Patten. And the
Enquest may passe the same day by such common
summons of the Beadell, if the parties be at issue, and
the Jurors come.

And otherwise, processe shall be made to cause the
Enquest to come at another Husting of Plea of Land en-
suing, by precept of the Mayor, directed to the She-
riffes.

And

And the Sheriffes shall be ministers by the commandement of the Mayor to serve the writs, and to make execution thereof: Notwithstanding, that the original writ bee directed to the Mayor and Sheriffes joyntly. And it is to be understood, that as well the Tenants as the Demandants may make their Attornies in such Pleas.

And if the Demandants count against those Tenants in the nature of a writ of right, and the parties descend to an enquest upon the meere right, then shall the enquest be taken of 34. in the nature of a grand assize, according as the custome requires: so that alwayes six be of the Ward, where the Tenements be, if there be so many of the same ward be empannelled in the Enquest of 24.

*Vouching to
warranty.*

And the Tenants in all such writs may vouch to warranty within the said City; and also in a forreign county, if the Vouchees have no tenements within the city. And if the Tenants in such writs doe vouch to warranty in a forreign County, in which case processe may not be made against the vouchees by Law of the said City, then the Record shall be made come before the Justices of the Common-Pleas, at the suit of the Demandant, and there processe shall be made against the vouchee; and when the voucher shall be ended in the said Bench, then shall all the plea bee sent back againe to the Husting, there to proceed in the plea, according to the custome of the City, and according to that which is fully contained in certain Statutes.

And also if the Tenants in such writs plead in barre by a release, bearing date in a forraign County, or plead other forraign matter, which may not be tryed within the said City; then the Demandant shall bring the processe into the Kings Bench for to try the said matter, as it is alleadged, and according as it is found, the plea shall be sent backe againe into the Husting, there further to proceed

proceed according as the case requires, and all the same time, the plea shall cease in the Hustling in manner as it is done at this day.

And also, it hath been used heretofore, that a man might sue in the Hustling of plea of Lands, for to have Execution out of certain Judgments given in the Hustling and that by Bill, in the nature of a *scire facce*, without Writ.

And it is to be understood that the summons which are made to the tenants, in such writs of Right, may be made two or three dayes, before the said Hustling, or the morrow next before the said Hustling.

In the Hustling of Common-pleas, are pleadable Writs, called *Ex gravi querela*, for to have execution of the tenements out of the Testaments, which are inrolled in the Hustling. Writs of Dowre, *unde nihil habet*, Writs of Gavelkind of custome, and of iervice, in stead of a *Cessavit*. Writs of Errour, of Judgment given before the Sheriffe, Writs of waste, writs *de partitione facienda* between Coperteners, Writs of *quid juris clamat*, and *per que servicia*, and others: The which Writs are close, and directed to the Mayor and Sheriffes; And also Replegiaries of things taken, and of distresses wrongfully taken, are pleadable before the Mayor and Sheriffes, in the same Hustling of Common-pleas, by plaint without writ. A writ of ex gravi querela.

And it is to be understood, that the same Sheriffes are ministers to execute the office, and serve all the said Writs and Replegiaries, by a precept of the Mayor directed to the said Sheriffes; and the processe is after this manner.

First, in a Writ of *ex gravi querela*, warning shall be given to the tenants, viz. two or three dayes before the Hustling, or in the morning before, as in a Plea of Land, and so shall be done of all other summons touching the same hustling.

E

And

And if the warning be given and testified by the Sheriffe or his Ministers, the tenants may be esloyned once; and if the tenants make default at the said warning testified, then shall the grand Cape be awarded; if they appeare, they may be esloyned after the view: and thereupon all other processe shall be made fully, as is said in a Writ of Right Patent in the Hustling of Pleas of Land.

Item, In a Writ of Dower, *nude nihil habet*, the Tenants shall have at the beginning three Summons, and one esloyn after the three Summons, and afterwards shall have the view; and after the view one esloyn: and the tenants in such a Writ of Dower, shall have the view, although they enter by the same husband of the Demandant; and also notwithstanding the husband dyed, seized.

And also the Tenants may vouch to warranty, and be esloyned after every appearance: and all other processe shall be made as in a writ of right, in the Hustling of Plea of Land.

And if the Demandant recover Dower against the Tenants by default, or by Judgment in Law, in such a Writ of Dower; and the same woman demandant shall alleadge in Court of Record, that her husband died seized; then the Mayor shall give commandement to the Sheriffes by precept, that they summon an Enquest of Neighbors, where the tenements are against the next Hustling of Common-pleas, to enquire if the husband dyed seized, and of the value of the tenements, and the dammages shall be enquired of by the same Enquest.

Item, In a Writ of Gavillete the tenants shall have three summons, and three esloynes, they shall also have the view; they may vouch to warranty, Denizen, and Forreigner, and they shall be esloyned, and they must enter

enter their exceptions; and all other processe shall bee made, as before is declared in a writ of Right, in the Husting of plea of Land; saving, if the tenant make default, then the demandant shall have judgment to recover, and hold for a yeare and a day, upon this condition, that the tenant may come within the same year and day next ensuing, and agree for the arrearages, & finde Surety, as the Court shall award to pay the rent within the services loyally afterward, and to have againe his tenements.

And within which yeare and day, the tenant may come and cause the demandant come in Court by a *Scire fac*, and have again his tenements, doing as is aforesaid.

Then after the yeare and day, the demandant shall have a *Scire fac* against the tenant to come and answer if he can any thing say, wherefore the said demandant ought not to hold the tenements quietly to him and his heires for ever.

And if the tenant come not, or if hee come and can say nothing; then the Judgment shall be, that the Demandant shall recover the tenements quietly for ever, according to the Judgments, called *Shartford*, by custom of the aforesaid City.

In a writ of waste processe shall bee made against the tenants by summons attachments, and distresses, according to the Statutes thereof made: and if the tenants come and plead, then he shall have one esoyne. and so after every appearance; and if hee make default at the grand distresse, then there shall be a commandement to the Sheriffe by precept from the Mayor, that the Sheriffe should see the place wasted, and enquire of the waste and dammages according to the Statute and that the enquest should return at the next Husting of Common-pleas, and the Plaintiffe shall recover the place wasted, and treble dammages by the Statute.

E 2

Item,

*A scire fac
brought by the
tenant within
the yeare and
day.*

*A scire fac
brought by the
demandant af-
ter the yeare &
day.*

*Of a writ of
waste.*

*That the En-
quest shall not
tax. but simple
dammages and
the Court shall
treble it. This
is enacted by
the Statute of
Glor. cap. 11.*

Item, In a Writ of Errour of Judgment, given in Court before the Sheriffe, in actions personall, and in assize of novell disseisin or mortdancestor taken before the Sheriffe, and Record; the Writ of Errour shall be directed to the Mayor and Sheriffe, and the Mayor shall make his precept to the Sheriffs, to cause them to bring the Record and Proceffe at the next Husting of Common-Pleas, and that they warn the parties to heare the Record.

And after that the Record and Proceffe bee in the Husting, although the Defendant come by the warning, or make default, the errors shall be assigned, and there the Judgment shall be affirmed or reversed, as the Law requires.

And it is to be understood, that by the usage of the said City, when a man is condemned in debt, or attaint of dammages in any action personall before the Sheriffes, and bringeth such a Writ of Errour, hee himselfe which bringeth the writ, ought, and was wont before that he be delivered out of prison, to find sufficient surety of men abiding in the same City, before the Mayor and Sheriffes, to pay the money, or to have the body forthwith comming, in case that the Judgment be affirmed.

And so it shall be done where dammages shall be recovered in Assizes, before the Sheriffes and Coroner, &c.

Replegiaria.

Item, In a *Replegiarie*, the proceffe is such; If any man take a distresse in another mans ground within the said City, he to whom the goods belong, may come to one of the Sheriffes, and have a minister by commandment of the Court, to goe to the party that tooke the goods; and if hee may have the sight, to take the same goods by two wise men; and then there shall be a plaint made in the Sheriffes paper in this manner: Such a one maketh his complaint against such a one, of his goods unjustly.

unjustly taken in his house, or in his free-hold, in such a Parish.

And the same party shall there find two sufficient pledges to pursue his plaint, and to make return of the goods, or the price thereof, in case that the returne bee awarded, and so he shall have the deliverance. And the parties shall have a day prefixed at the next Hustling of Common-Pleas: the Sheriffe shall make a Bill containing all the matter and the plaint, and shall bring the same Bill to the same Hustling, and there it shall bee put on the File, and the parties shall be called for. At which day the one and the other may be essoynd of common essoyne.

And at what time soever the Plaintiffe makes default, returne shall be awarded to him that hath them, and the return in such case is awardable three times by the custome, & at the third time not repleviable; And at what time soever he that hath the, maketh default, then it shall be awarded that the same goods shall remaine to the Plaintiffe, viz. they shall remain without recovering of any dammages.

And if so be, that the Sheriffe may not have a sight of the distresse taken, then hee shall so certifie in the said Hustling, and there shall be awarded a Writ of *Withe-
nam*, and thereupon processe shall be made. And if the parties come, and avoury be made, they may pleade to a Judgment, or to an issue of enquest, according as the case requires.

And the parties may be essoynd after every appearance. And if the party claime property in the distresse, then that certified in the Hustling, processe shall be made by precept, directed to the Sheriffe, to try the propriety.

And though the party be essoynd to serve the King in a Replegiary, and at the day that hee hath by essoyne maketh default, or brings not in his warranty, he shall be amerced. In.

In a Writ *de partitione fac*, to make partition between partners of tenements in *London*, a Writ close shall be directed to the Mayor and Sherffes, containing the matter, according to the forme of such a Writ. And the parties shall be warned by precept of the Mayor, directed to the said Sherffes: And the tenants may be es-
soyned, and if they come, they may plead their matter; and if they make default, the Partition shall be awarded by default.

Of the Beadle. Item, every Beadle by the advise of his Alderman, against every Husting of Common-pleas, shall summon 6 Free holders, the better and sufficienter of his Ward, to come to the aforesaid Guild-hall, to passe in En-
quests, if there be need, if there be so many Freeholders in the said Ward. And the Enquest shall bee presented, as is aforesaid, in the Husting of Plea of Land.

Of Exigents. Item, Briefes of Exigent are demandable in the Husting, as well in the Husting of Common pleas, as in the Husting of pleas of Land.

But thole Exigents that are demanded in the one Husting, shall not be demanded in the other Husting. And at the fifth Husting, the out-lawries and venicies shall be awarded in full husting before the Mayor and Aldermen, by the mouth of their Recorder.

And also all Judgments that are given in the Husting, after every Husting shall be enrolled, and sent to the Chamber of Guild-hall aforesaid.

Item, It is to bee understood, that all the amercia-
ments made at those Hustings, do appertaine to the Sher-
riffes of the City.

Of summoning the Aldermen to the Husting. Item, The Aldermen of *London* are summoned to come to the husting, and they ought by usage of the said City to be summoned by an Officer of the Sherffe, sitting upon a horse of 100.s. price at least.

A taile.

And if it happen, that between Merchant and Mer-
chant,

chant, or Citizen and Citizen, there be debate of Debt, and a taylor shewed forth by the party, and such taylor be denyed, the party that bringeth the taylor shall make his prooffe according to the Law Merchant, but shall prove the same by Citizens or Merchants, or other good and loyall men, and not by villaines.

Item, the Assizes of *Mordancester* are held and determinable before the Sherifffes, and Coroner of *London*, on the Satturdayes, from fourteene dayes to fourteene dayes at the Guild-hall; the proceffe wherein is in this manner, *viz.*

*Of assizes of
Mordancester*

He that will have such assize, shall come in the Husting, or in the congregation of the Mayor and Aldermen in the Chamber of Guild-hall, any munday as it is said in the assize of freshforce, and shall make a Bill containing the forme of assize of Mordancester, according to the case, and the Bill shall be enrolled.

And afterward the common Clerk shall make another Bill, containing the whole matter of the first Bill, making mention of the title of Husting, or of the day of the Congregation of the Mayor and Aldermen; and that Bill shall be sent to the Sherifffes, or to one of them to serve according to the custome. And which Bill shall be served by any Sergeant, or other Minister of the Sherifffes, *viz.*

The said Minister the Wednesday next after the livery of the Bill shall make his summons at the tenements demanded by witnesse of two Free-men of the Cittie, which ought to be at Guild-hall the Saturday next ensuing, to array and summon the Jurors: and so afterwards against the Satturday from fourteene dayes to fourteene dayes at their wills, and so may the tenants sue if they will for their deliverance.

And the arraynments of the pannels of such assizes shall be made by the Sherifffes & their Ministers, or by the Mayor and Aldermen, if any of the parties shall come
to

to demand upon reasonable cause, in manner, as the use is in assizes of fresh force.

And in such assizes of Mortdancestor, the parties may be essoyned as at the Common-law, and the tenants may vouch to warranty within the said City, and also in a forraign Countrey, if the Vouchee have no tenements within the City.

And if the tenants plead a Release, bearing date in a forraign Countrey, or other forreign matter that may not be tryed within the City, or that they vouch to warranty in a forraign Countrey, him that hath nothing within the City: then at the suit of the party the Record shall be brought in the Court of our Lord the King by a writ delivered to the Sheriffes and Coroner, and there shall such forreign pleas and forreign voucher be tryed, and determined, and after sent back to the said Sheriffes and Coroner, to goe forward and proceed, according to the custome of the City.

And continuance shall bee made in such assizes upon the causes aforesaid, and upon other reasonable causes.

And when the Assizes shall be determined, & Judgment ought to be given, then the same Assizes shall bee engrossed, and entred of record by the said Sheriffes and Coroner, and after sent to Guild-hall, to remaine there of Record, in manner as the Assizes of fresh force ought to be.

*A custome that
free-men of the
City of London
may bequeath
their tenements
which they
were solely sei-
zed.*

The City of London is an ancient City of our Lord the King that now is, and of his Pr-genitors: In which City, such a Custome is held, and whereof the time is not to the contrary, hath been held, that every Freeman of the aforesaid City being fully seized of any Lands or Tenements within the aforesaid City, by all the time aforesaid, might and may bequeath such his Tenements to any persons or person it likes him best, as well secular, as religious, in fee-taile, or for terme of his life, &c.

Item,

Item. Assizes of novell disseisin called fresh force of lands and tenements, and rents, within the City of *London*, of disseisins made within 40 weekes, are held and are determinable before the two Sheriffes, and the Coroner of the said City in common every Saturday in Guild hall, except certain times that the assizes may not be held for reasonable causes: and therein the processe in this manner, *viz.*

When any man is agrieved and disseised of his Freehold within the City or Suburbs thereof; he shall come to any husting held at Cuidhall, or for want of the husting to the Chamber of Guild hall to the congregation of the Mayor and Aldermen any Munday, and there shall make a Bill, and the Bill shall bee thus.

A. of D. complains of intrusion against *C. of E.* of his free tenement, in such a Parish in *London*, or in such a Parish in the Suburbs of *London*.

And the same Bill shall be enrolled; and thereupon another Bill shall be made, containing the whole matter of the former Bill by the common Clerke of the City, making mention of the title of the husting, or of the day of the Congregation of the Mayor and Aldermen.

And that Bill shall be delivered to the Sheriffe, or to one of them, to make processe, and doe right to the parties.

And then ought the Bill to be served the Wednesday next ensuing, *viz.* The Sheriffes Officer to whom the Bill is delivered, shall summon the tenant, or the tenants mentioned in the said Bill of assize, by the view of two Freemen of the City, and that at the tenements where the disseisin is made, or at the tenements whereout the Rent is supposed to be issuing, and it shall be said there to the tenants, that they keep their day at Guild hall the Saturday then next ensuing

ing at their perill : And the names of the two Summoners shall be endorsed upon the Bill : and then the Plaintiffe may sue to array the assise, and summon the Jurors against that Saturday, or against other Saturdays after, at his will.

And so may the tenants sue for their deliverance, if they will, and such summons shall be made the Fryday before the Saturday.

And the arrayments at the perils of the Jurors, shall be made by the Sheriffes or their Officers, or by the Mayor and Aldermen, if any of the parties upon a reasonable cause will pray the same.

And afterwards the same assises shall bee pleaded, and ruled for the most part also as it, otherwise at the common-law.

And if a Release, bearing date in a forreign County, Bastardy or other forraign matter, which cannot be tryed within the said City, bee pleaded in such assizes ; then the Plaintiffe may sue, to cause the Record to bee brought to the Court of our Lord the King, to try the matter there, as the case requires : and when the matter shall bee determined in the Kings Court, all the proceffe shall be sent backe to the said Sheriffes, and Coroner, or to their Successors, or to proceed forward, according to the custome of the City, in manner, as it hath been heretofore.

That no discontinuance is within the City of assizes, &c.

And it is to be understood, that there hath not been any discontinuance in such assises : neither is there any mention made in the Record, of the dayes between the assize brought, and the day that the assize shall be taken, or Judgment given ; if it be not for a necessary cause, or that such assizes be taken before the Sheriffes and Coroner, as is aforesaid, and Judgment be thereof given : then shall such assizes determined, be entred of Record ; and after shall be brought into the

the Chamber of Guildhall, to remaine there in the Treasury as of Record.

And it is to be understood, that a man may not enter into any tenements within the said City by force, nor hold any tenements by force and armes in disturbance of the peace, &c.

Imprimis.

It is to be understood that the Sheriffes holds the Courts of our Lord the King before them in the Guild-hall of *London*, and pleas of debt, of any summe whatsoever, and of all other actions personals, at the suit of the parties.

Of the Sheriffs Court.

And each of the said Sheriffes holds his Court at Guildhall by himselfe severally, and that by vertue of the plaints and quarrels made before the one and the other of the same Sheriffes, as well in their Countours, as at Guildhall according to the custome of the aforesaid City.

And every of the said heriffes use to hold by himself two generall Courts in the weeke, and every day for the deliverance of forraigners & strangers, if need be, if they be not let by Festivall dayes, or other reasonable causes.

Item.

The Clarkes and Officers of the said Sheriffes presently upon the plaints made, use to award a *capias*, or other processe against the Defendants, by the testimonies of the Sergeants of the said Office thereto deputed, as well in the said Countours, as at Guild-hall: and it is the use to award a *capias* in plaint of Debt, Accompt, Covenant, and other Actions personall whatsoever, &c.

Action of debt

*Item.**Action of debt*

Hee that is so arrested at the suite of the party for Debt, or other action personall, may finde Sureties in the said Courts, or else-where, before the Sheriffes, or their Clarkes thereto deputed, to come to the next Court at the said Guild-hall, holden before the same Sheriffe, before whom the plaint was made, upon this condition; that if the Defendant come not at the said next Court to keepe his day; then hee shall bee condemned in the debt mentioned in the plaint. Saving the Plaintiffe, if he be present, or may well come in Court, shall be examined upon his Oath, what summe is cleerly due to him, and for what cause, more then which is found to be due by examination; the Plaintiffe shall recover nothing but his dammages, which shall be judged by taxation of the Court, or by enquest, if need be.

And if the Defendant cannot be found, then shall the main perners be taken and charged for the Debt, and the aforesaid dammages.

*Item,**Action of trespassse.*

If there be a plaint of trespassse, of battery, of goods taken, or other personall action, where a man ought to recover dammages, if the Defendant make default in such case after that he is arrested, and hath found sureties, as is aforesaid; then he shall be judged, as convicted, and the Plaintiffe shall declare by bill the cause of the suite, and the quantity of such dammages, and such place.

And thereupon an enquest of office shall be brought from the same place to taxe the dammages for the Plaintiffe.

And if the Defendant be not to be found, the main perners shall be charged as afore.

And

And if the Court may bee truly certified by the same Enquest, or by sufficient examination of the Plaintiffe, that the Defendant is not culpable in such case, the Plaintiffe shall recover nothing, notwithstanding the default, &c.

Item.

When any such main perners be arrested, and committed to prison, because the principals are not found: yet notwithstanding whensoever the principall may be found, and is under arrest at the suit of the maine perners, then the said maine perners shall bee delivered.

Item.

If a man be arrested in a plea of Accompt, and finde Sureties to come at his day, or if he do not plead to the issue, or plead in Judgment, and find Sureties to attend untill the suit be determined, according to the Custome of the City: yet notwithstanding at what houre that the principall Sureties will come into Court; then if the Sureties come, Auditors shall bee assigned to take the Accompt in presence of the Plaintiffe, and the main perners.

And the Sureties, shall be demanded if they know any thing to say in discharge of the Accompt. And if the Sureties will not come, then the Plaintiffe shall recover his arrearages, by examination and his Oath. And in the same manner it shall be, if the Defendant be convicted of Accompts by enquest.

Item.

If a playnt be made against any Free-man, being sufficient, or against another sufficient man, and resident within the City; such a Defendant shall be summoned by any Sergeant of the Sherifte to come to Guild-hall to answer to the party Plaintiffe at the Court of Denizens.

Of common Free-men - of the City, and of those that be residents in the same.

At which Court, if he make default, he shall bee amerced

mered, and the grand distresse shall be presently awarded by usage of the City; and it shall then be awarded, that the dores of the Defendant shall be fastened and ensealed untill he shall come to answer to the party plaintiffe.

And at every Court of Denizens that hee is demanded and comes not, he shall lose his issues. And if hee breake the sequestration, and that be testified in Court by the Sergeant; then it shall be awarded, that the defend. be arrested by his body. And if he pay a fine for the contempt, and when he is so arrested, he shall finde sufficient pledge to come then at the next Court, to answer to the party, upon a pain limited before the capias is awarded.

And if such a defend. make more delays, and it be testified by the Sergeant, that the Defendant like to escape away or is not sufficient; then shall be awarded the capias to take his body, or to arrest, and take his goods.

And that after the Defendant hath accorded with the plaintiffe, there shall be a commandement, that the Defendants dore shall be opened, and the goods taken and of them to make return at the Court, as of forraign attachment.

Item.

challenges after default.

If any parties come and plead to the Enquest, or in Judgment, then they shall be ordered according to the usages of the City without any esoyne had at such personall actions before or after.

And although that such a Defendant that hath pleaded to an Enquest, make default after the Enquest be joyned; yet notwithstanding, if hee come afterwards when the Enquest shall be charged, hee shall have his challenges to the Jurors, and shall give his evidences, notwithstanding the default.

Item

Item.

After the parties be at issue of enquiry, the same parties are not demandable before that the Enquest be summoned; but the Enquest may be summoned as well at the suit of the Defendant, as at the suit of the plaintiffe.

And it is to be understood, that in a plea of Debt, the Defendant may wage his law by usage of the said City, that he oweth nothing to the plaintiffe, viz. If he be a man in the franchise within the City, or resiant within the same City with seven mens hands, whereof his own name to be one: And such Defendants may make their Law presently in Court, if they have men ready, or otherwise shall have day to wage the Law, the next Court holden.

And if the Defendant be a Forreigner, Stranger & not resiant in the City, hee may wage and make his Law presently with three hands, his own name being one, that he oweth nothing to the plaintiffe, and so be quit.

And if hee have not two men ready to make an oath with him; then the defendant at the request of the plaintiffe, ought to go under the custody of a Sergeant of the Court to 6 Churches nearest to Guild-hall, and in the same Churches to swear that the oath which he took in Guild hall was good. And then the Defendant shall be brought back to Guild hall, and have his judgment to bee quit, and the plaintiffe shall be amerced. And in the same manner it shall be done in other actions personall, where the Law-wager is allowed, And where women be in such cases impleaded, and wage their Law, they may make their Law with men or women at their will.

That when the Enquest is summoned, & returned in court, the Defendant is not demandable.

How a Freeman ought to wage his law with seven mens hands.

How a Forreigner ought to wage his law with 3 hands.

This is neither law nor custom used at this day.

Item.

Item

Item.

*That a Free-
man ought to
wage law in a
plea of trespass
with 7 hands.*

If a Freeman within the City be impleaded by way of trespass for goods taken, or for Battery, where no blood is drawn, nor no wound apparent; and for other trespass supposed to be done against the peace, such a Freeman so impleaded, may wage, and make his Law by the usage of the City, that he is not culpable with seven hands, as is aforesaid,

Item.

Actions of Debt or of Covenant are maintainable against Exor. and Admoror. without especialty. And such Exec. and Administrat. by usage of the said City, when they come to answer, they may have their Law by so many hands as the Court will award upon these words, That they know nothing of the duty, nor of the contract, nor of the covenant, and that they thinke in their consciences, that their Testator at his death, ought nothing to the Plaintiffe, nor had broken any Covenant; and by such manner be discharged.

And if a man be impleaded by plaint of Debt, for victuals dispended in the house of the Plaintiffe, or of rent of his houses let called Hushire, in such cases the Defendant shall not have his Law, nor no protection in such cases hath been allowed.

Item.

Where a woman that hath a husband useth any Craft within the said City by her selfe only, where-with her husband doth not meddle; such a woman shall be charged as a sole woman for all that which toucheth her said Craft.

And

And if the husband and the wife bee impleaded in such a case, the wife shall plead as sole in a Court of Record, and shall have her law and other advantages by way of plea, as a sole woman, and if she shall be condemned she shall be put in prison, until she hath made agreement. *Item*, The husband nor his goods shall be in such a case charged nor impeached, &c.

Item, If a woman that hath a husband, as a woman *A house hired by a woman sole.* sole hire any house or shop within the said City, shee shall bee charged to pay the rent of the said house or shop, and shall be impleaded and pursued as a sole woman, by way of debt, if need be, notwithstanding that she was married at the time of the Lease, the lessor not knowing thereof.

Item, If a plaint of trespassse be made against a man *Trespassse done by the wife,* and his wife for a trespassse, done by the wife solely, then the wife shall answer sole without her husband, if the husband come not, and shall have plea as a sole woman, and if she be attainted of trespassse, she shall be condemned, and committed to prison, until shee hath made agreement.

Item, If a plaint of trespassse be brought by the husband and the wife, of Battery done to the wife, in such *Trespassse done to the wife,* case the wife shall be received for her selfe, and her husband to pursue and recover dammages against the defendant, although the husband be not present.

Item, Where a plaint of debt is brought against the husband, and the plaintiffe acknowledgeth that the husband made the contract with him by the hand, intervening and transaction of the defendants wife, then the same defendant shall have aid of his wife, & shall *Aid of the wife* have day, untill the next Court, to consult with his wife; and the same day shall be given to the Plaintiffe, &c.

Item, When any defendant in plea of debt, or other *How a man shall be termed a Freeman of City London.* action personall, wageth his law as a Freeman of the City London.

City, and the plaintiffe demands how he is free, it be-
hoveth that the defendant alleadge, that he is free by
redemption: and if he say that he is free by redemp-
tion, the plaintiffe may cause that the defendant to
shew his Record at the next Court. And if hee faile of
his Record, then he shall be attainted, and adjudged
convict in the cause. And if the defendant alleadge that
he is free by birth, the plaintiffe may say that hee was
not born in the City, and that shall be enquired by the
Enquest taken in the said City, of such a place where
the defendant will alleadge that he was born, and that
issue is peremptory.

*Of contributi-
on by obligees.*

Item, Where two or more are obliged within the
City by obligation of debt, and every of them in the
whole sum; then if one of the obligees pay the whole,
or he to whom the obligation is made, bringeth a suit
in the same City, and recovers the debt against one of
the obligees solely; then he that hath paid the debt
or is so condemned, may sue against the other obliges
by plaint or debt, joyntly or severally to make con-
tribution: so that every one shall pay his part, accor-
ding to the usage of the City, saving reasonable answer
to the parties.

*Of forraigne
attachment.*

Item, When a plaint of debt is brought before any
of the said Sheriffes, and testimony is given by the Of-
ficer, that the defendant hath not sufficient within the
said City and it is alleadged, that the defendant hath
goods and chattels, or debts in other hands, or in o-
thers, keeping within the said City, and the plaintiffe
prayeth that such goods and chattels may bee arrested,
and an extent may be made of the debts, then at the
suit and suggestion of such plaintiffe, such goods and
chattels shall be arrested, wheresoever they be found
within the City, and an extent shall bee made of the
debts, at the perill of the plaintiffe; and this done, the
plaintiffe shall pursue at four Courts before the same
Sheriff

Sheriffe before whom the plaint was affirmed, untill the defendant be four times demanded: And if the defendants come not at the fourth Court, and hath made four defaults, then shall the goods and chattels arrested, be taken and delivered to the plaintiffe. And if the goods amount not to the value of the debts, then the debts extended in the hands of the debtors shall be levied, and delivered to the same plaintiffe in part of payment of the debt demanded,

And such arrests of goods and extents of the mony are called forraign attachments, according to the custome of the City: And thereupon the plaintiffe shall find sufficient surety to the Court by pledge, before that the livery thereof be made upon this condition, to make restitution to the defendant of all the goods and chattels so taken, or of the value of the same, and of such money whereof he hath had execution, if so be that the defendant come within the yeare and the day next ensuing into the Court, and that he can discharge himself, and justifie by law that he ought nothing to the plaintiffe at the time in the plaint mentioned. And if the same defendant will come within the yeare and the day, as is aforesaid, before execution, or after, and find surety to justifie himselfe, and pleade with the plaintiffe then he shall have a *scire fac.* out of the same Record against the party, that hath had such execution, to warne him to come at the next Court, if hee knowes any thing to say, why restitution should not be made in manner aforesaid.

Scire fac.

And if he against whom the *scire fac.* is sued, be warned, and make default, or that it be testified, that he hath nothing in the City; then hee that made the *scire fac.* shall have restitution of all such goods and chattels so taken, or of the value thereof, and of all the monies which the party hath received by the forraigne attachment.

In the same manner he shall have restitution, if he can discharge himself by way of plea. And in the same manner restitution shall be made, according to the rate or proportion, if the defendant can discharge himself by way of plea, of parcell of the debt, although he cannot discharge himself by way of plea of the whole. And if the party that hath had such execution, be not sufficient to make restitution in the manner aforesaid, then his pledges shall be charged.

And if he upon whom such forraigne attachment is made, come not within the yeare and the day, to justify himselfe, as is aforesaid, then he shall bee barred for ever after.

*The prooffe in
forraign attach-
ment.*

And it is to wit, that having such forraigne attachment, if any other will come in Court of Record before the 4. default be recorded, or afore execution bee sued, and be ready to prove, that the goods arrested were his proper goods at the time of the arrest made, and yet are, and not his for whose goods they were arrested, and that that party for whose goods they were arrested, hath no property in the same goods, nor any other whatsoever, but himself alone, to the value of a groat, then he shall have the proof, and shall swear in manner aforesaid, by himselfe, and shall have delivered unto him all such goods so arrested, or parcell thereof, according as he hath made the prooffe thereof.

Of the same.

Item, Likewise a servant shall make prooffe of his Mastresses goods being in his custody, according to the discretion of the Court. And also if the defendant in such forraign attachment come in Court at the 4. default recorded or before, he shall be received to pleade with the plaintiffe: And in the same manner shall be received if he come before execution sued: so that the plaintiffe be present in Court, or otherwise be warned. And in the same manner, in such forraign attachments those

those in whose hands any goods be arrested by suggestion of the plaintiffe. And those in whose hands any monies be extended may come in Court of Record before the same Sheriffe, and be excused and discharged by their oath, that they have no such goods in their custody, and that they owed not a peny to such defendants at the time that the arrests and extents were so made in their hands.

Item, Where a man is impleaded before one of the Sheriffes of *London*, by plaint of debt and the plaintiffe sheweth forth an obligation, bearing date in *London* in prooffe of his debt, whether the said obligation be simple or endorsed, or by Indentures concerning the same in such case, by usage of the City, the defendant shall not be received to plead any acquittance or release of the plaintiffe, bearing date in a forreign County, nor any payment made, nor condition, nor other matter which may not be enquired and tryed within the same City.

*Of forraigne
matter pleaded
out of the City*

And if any defendant in such a case plead any such acquittance, or release, or alleadge any payment, or other matter to be done in a forreign County, out of the said City, to put the Court out of jurisdiction; and if that such a defendant will not say any other matter, he shall be concluded for default of answering. But, if it happen that the endorsement of the obligation, or the Indentures thereof made do make expresse mention of doing or performing any condition, or if other matter be alleadged by the defendant, then the Court shall surcease, and it shall be said to the plaintiffe, that he sue at the common Law. And in the same manner is used a pleint of trespassse, and other actions personall of bargaines, and contracts made within the said City, the defendants shall not be received to plead, nor alleadge a matter out of the said City, if not such a matter that may be enquired of, and tryed within the same City.

Item

Of an obligation dated at a certain place.

Item, Where an obligation is produced, which beareth not date in any certain place, and the plaintiffe in his count doth alleadge, that the said obligation was made in a certain Parish within the City of *London*, and the defendant alleadgeth, that the same obligation was made in a certain place out of the City, and bee ready to averre the same, and therewithall doth pleade a matter there, in avoydance of the said obligation. And the plaintiffe offereth to try by the Country, that the said obligation was made within the City of *London*, in manner, as to the Court shall seem good, in such case is used to take the enquest in *London*, and the Parish where the plaintiffe counted that the obligation was made, if the plaintiffe pray the same. And if it bee found that the obligation was made in *London*, as the plaintiffe hath porposed by his count, then shall the defendant be condemned in the debt, and in the damages, to be taxed by the same Enquest.

Of a double obligation.

Item, Where an obligation is made double by endorsement, or by Indentures, and the party bound is impleaded and acknowledgeth the obligation, and the day of payment is incurred, as it may appeare by the same obligation; yet notwithstanding, the plaintiffe ought to recover but only the cleere debt which is behind, and that by the oath of the plaintiffe, or by the true information of his Attorney, if the plaintiffe bee not present, and not the double debt contained within the said obligation. And his damages shall bee taxed him by the Court, according to the time past by their discretion, or by the enquest.

And although the defendant in such a case, against such a double obligation made, pleades that it was not his deed, or, that he hath performed the dayes of payment contained in the said endorsement, or in the Indentures thereof made, or other like matter, and thereupon puts himself upon the Enquest, and it is found a-
gainst

gainst the defendant by verdict of the Enquest : Yet the plaintiffe shall recover nothing but that which is cleerely found due by the Enquest, viz. the single duty, and his dammages, taxed by the same Enquest. And if the obligation be single, which is shewed forth, and the party defendant doth acknowledge the obligation, and the day be past, and the defendant alleadgeth that the plaintiffe is payed parcell of the debt ; then the plaintiffe at the request of the defendant shall be examined by his oath, how much money is behind.

And in such a case, the plaintiffe shall recover nothing over that which he will sweare is due and behind, and his dammages shall be taxed by the Court. And if against such a single obligation made, the Defendant plead that it is not his deed, and it bee found, that it is the defendants deed, yet the plaintiffe shall recover nothing but what is found due by the Enquest, and clearly behinde, and his dammages taxed by the same Enquest ; and the defendant in such case shall be fined for denying his deed, and in other cases shall bee amerced, &c.

Item, where an obligation is made of a certaine sum upon certain conditions to be performed, by the endorsement, or by the Indentures thereupon made, and thereupon a plaint is made, and the parties be at travers, and at issue, upon some especiall condition broken, and it is found by the Enquest upon the parties own shewing against the defendant, which is so bound and that he hath broken that condition : yet the plaintiffe shall not recover the whole obligation, but hee shall recover the dammages which he hath sustained, by reason of the condition broken ; and the dammages shall be taxed by the same enquest, and the obligation shall be saved, for the saving of the other conditions hereafter. But, some make a question of this custom.

Of an obligation upon certain conditions.

Item,

of acquittances and other evidences alleged to be in forraigne parts.

Item, If an obligation of debt be shewed forth, and the defendant alleadgeth that he hath an acquittance or Indenture, or other thing ensealed by the plaintiffe, the which may stand him in stead, and be a discharge against the plaintiffe, if he had them ready in hand, and say further, that the miniments are in a forraigne County, and out of the City, and bee ready to make oath thereof; then the same defendant after his oath made, shall have a day assigned by the Court to have his said miniments ensealed at a certain Court after, according to the distance of the place, and thereupon shall find pledge at his perill, to come at his said day, and bring the same deed.

And if he make default at that day, or if hee faile of that which he alleadged, then hee shall be condemned in the said obligation, and dammages shall be taxed by the Court, saving that the plaintiffe, or his Attorney, shall be examined of the duty.

Of Fugitives.

Item, If a pleint of debt be made against a Freeman and resiant within the City, or by the Law of the City, hath a summons, because of the Franchise, If the plaintiffe come to the Sheriffe, and bring with him six or foure freemen, and credible of the said City, that will testifie, that the defendant is flying away, and that he will withdraw and absent himselfe; then the said Sheriffe upon their testimony, may arrest the said defendant by his body or goods, as of a Forreigner, &c.

Item, The Sheriffe may hold before them pleas, of taking personall things, instead of a Replegiare, and avoury may be made, and return awarded to such pleas as in the Husting, if the cause touch not freetenants, And such a suit is called *a' de placito captionis & detentionis catallorum*, and pledges shall be found to make return of the goods, or of the value, as in a Replegiare.

(a) A plea of taking and detaining of goods. The defendant shall answer, & the plaintiffe very presently,

Item, It is the usage in such actions personall before the Sheriffes, that at the first day when the parties appear

appeare, and the plaintiffe hath counted against the defendant, the same defendant shall answer the same day without having any day given him to emparle: And in the same manner, if the defendant pleades any plea or matter alledged against the plaintiffe, the plaintiffe shall presently reply without having a daies respit to emparle, without the assent of the parties.

Item, If some customes or usages are pleaded or alledged in the Sheriffes Courts, whereof the Sheriffes nor their Ministers be fully informed: then such customes and usages shall be discussed by the Mayor & Aldermen, and that before judgment thereof rendered.

*what custome
shall be discus-
sed by the May-
or and Alder-
men.*

And it is to be understood, that no adjournment is made in the Sheriffes Courts, nor any day given by pre-appointment, but onely that the parties should keep their day at the next generall Court, if it be not upon some speciall cause.

Item, Actions of debt are maintainable by usage of simple grants and assignments, and of pledges, and of a covenant simply, without specialty.

*Of Action
of debt.*

Item, A Taile of debt ensealed by usage of the city, is as strong as an obligation: and where a plaint of debt is made, and such a Taile ensealed shewed forth in prooffe of the debt, the defendant shall not have his law that he oweth nothing, nor any other matter, no more then against an obligation. He may well say, that the day of payment is other then the plaintiffe counts.

*Of Tailles
ensealed.*

Item, The Sheriffes of London use, and each of them by himselfe, to take Recognizances of debt in their Courts, of what sum soever: And if the day of payment be past, and the money not paid, then at the suit of him to whom the Recognizance was made, if hee be a Denizen, all the goods and chattels of the Recognizer found within the City, shall be taken and deliv-

*Of taking of
Recognizances.*

vered to the party, to the value that the debt contained in the said Recognizance amounteth to, without extending any land of the Recognisor. And if the year be past, then a *scire fac.* shall be sued against the Recognisor to come in, if hee knoweth any thing to say, wherefore execution shall not be made of his goods, as is aforesaid: the which Recognizance shall be entered in the Sheriffes paper.

*Safe custody
of prisoners.*

Item, The Sheriffes may hold by usage with prisoners soever before them condemned or committed unto their custody, as well in their houses, where they are then dwelling, as in the common Goales, which they are alwayes to hold in ward, and not to goe at at large out of their houses, or the aforesaid Counters.

*Of plaints
between May-
chants, and
Marchants.*

note this well.

Item, In plaints of debt and accounts, and other personall contracts between Merchants and Merchants, if the plaintiffes counts that the defendant at any Merchandizing Village or in a place merchandable within the Realme did bargain for, and buy of the same plaintiffe some merchandises, or received his money to pay and deliver unto him, or to render account in any place within the said City. And if the parties be attravers, and plead to issue of enquest, then shall the enquest bee taken of the people of the said City, and of the merchandizing town, where the contract is supposed, to this intent, that such merchants passing, may have notice of the said contract.

Of the same.

Item, The Sheriffes of London have alwayes used to hold pleas before them betweene what merchants soever, where both parties are Merchants, of all bargaines and personall contracts, which touch merchandize made beyond Sea, at the merchandizing towne, or place merchandizable, where the bargaines and contracts are made by expresse words upon payment, or delivery of the merchandize, or to render account

count within the said city of *London*. And in such a case of the parties descend to an issue of Enquest, then shall the enquest be taken of men remaining within the same city, *viz.* of Merchants travelling, that use to passe over the Sea, which best may have knowledge of the aforesaid bargaines and contracts.

And if any forreign Merchant and Alien be party to the plea, and such enquest be to be taken, then the Merchant Alien shall have the moiety of the Enquest of his own Country men &c.

Of those which with- draw them- selves out of the City.

Item, If a plaint of debt be made, and it is testified by the Minister that the defendant is not resiant within the City, that he hath absented himself, and carryed away his goods. And it is testified, that he hath lands or tenements within the City, then at the pursuit of the plaintiffe, the plaintiffe ought to hold them by the same extent, untill hee be satisfied of his money due unto him, finding sureties to uphold the tenements conveniently, and also to repay the defendant the money received in the mean time, if it be so that the same defendant come in Court of Record within a yeare and a day after the delivery made, and can discharge himself, that he oweth nothing to the plaintiffe.

Item, The Sheriffes use to examine the parties in all actions personall depending before them, if any of the parties desire the same, and to proceed to judgment, according as it is found by examination.

Examination in a plea Personall.

Item Where any personall action is depending before either of the said Sheriffes, and some matter is alledged by the defendant in barre of the action, or a thing materiall to delay the plaintiffe, And if the plaintiffe put himself upon the oath of the defendant peremptorily, that the plea or the exception given by the same defendant is not true, then the said defendant if he be in Court, or if hee be resiant within the City, & that he may conveniently come, by the discre-

Of the same

tion of the Court, then he shall make his oath that his plea or exception that he hath given is good & true. And if he come and refuse to make such an oath, then he shall be held as convict in the cause, and thereupon the plaintiffe shall recover that which lyeth in demand, according as it may be found by examination of the plaintiffe, or by enquest of office, if need bee. And if he make the oath, the plaintiffe shall be outed of his suit or action, if hee for his part will not sweare that the suite or other matter alledged by him is not good and true.

And if such an oath be required of the plaintiffe, and the plaintiffe take the oath, hee shall recover by the same oath if the exception be materiall, and so are such oaths peremptory, of the one part, and of the other, according to the matter of the Exceptions.

*Of default
after mayn-
prise.*

Item, If a man be arrested by a plaint of debt, or by other personall action and find surety to be ready at the next Court, before the Shrieftes to answer to the Party: At which Court although the defendant be demanded in convenient time, to come and save his maynprise and he make default, and the default be recorded, yet if the same defendant come sitting the same Court, he shall be received to plead, saving that in such a case he shall lose the advantage of his Law-wager, although he might have had his law, if hee had come in time.

*Of amend-
ing Bills.*

Item, Where parties appeare in the Sheriftes Court the usage is that the plaintiffes may amend their plaints, and their Bills, before that the said parties bee at issue, or plead to judgment in Court of Record.

*Action of
account.*

Item, In an action of account before the Sheriftes, the plaintiffe by usage of the City may not count that the defendant was his Baylisfe in any case, but Receiver of his money, or of his goods.

Item, An action of account is maintainable by usage against

against a woman sole, and against Infants within age, if they be Merchants, or if they keepe common shops of trade, or of Merchandize. And actions of debt in the same manner of that which toucheth their trade, or their merchandizes.

Item, Where pleas are depending before the Sheriffs the usage is alwayes that the Mayor of London, that is for the time may send to the Sheriffes to cause the complaint and the processe to be brought before him and their Aldermen, to determine and discusse the same complaint before them, or to send back the said complaint before the same Sheriffes, further to proceed in the said processe, according to that which the Mayor and Aldermen shall see fitting to be done, and to command the Sheriffes to surcease at their wills.

Item, When a debtor is bound within the said city by obligation in a certain summe, to pay at a certaine day to come, the which debtor was held sufficient at the time when he was bound, and after is become fugitive, or not sufficient, then if the creditor come before the Mayor or Sheriffes of the said City, making such a suggestion, and hath with him fixe or four credible men of the same City that will truly testifie that the debtor will withdraw, and convey his goods out of the City, or that hee is not sufficient to make payment, then the Mayor, or one of the Sheriffes before whom the suggestion is made, useth to arrest the debtor, although the day contained within the obligation be not yet come, and to keepe the same debtor in prison, untill the day of payment be come, or otherwise, that hee shall find pledges to attend at the same day, and so to arrest for Houshire before the day, if the tenant be fugitive.

Item, If a Freeman of the City find his debtor suddenly within the same City, which debtor hath absented

Of plaints removed out of the Skrieffes Courts.

Where the debtor shall be arrested before the day contained in the obligation of fugitive.

Houshire To arrest a debtor without a sergeant.

presented himself before, or that he be fugitive, and the which debtor will escape away, before that the creditor can have an officer, the usage is in such a case that the Freeman himself, with ayd of his neighbors without other officer, may arrest his debtor, and carry him to the office of one of the Sheriffes, and there make his suit, as the law requires, &c.

*Of amercia-
ments.*

Item, Touching the amerciaments taken upon the plaints in the Courts of the Sheriffes, it is used, if the demand be of 40.s. or under, to take 4. d. and if they passe 40.s. the usage is to take 12. d. for the amercia-ment.

*Of Land-
lords.*

Item, If a lessee within the City be fugitive, or absent himself, whereby his goods within the house bee arrested, yet the lessor called the Landlord, shall bee served before all others for the rent of the house, being behind by two yeares, and for so much money, goods shall be left within the said house, to the use of the said Landlord.

*Of giving
warning to
the Landlord.*

And although that such a Farmer within the said City commit Fellony, or other contempt, for which his goods and chattels are arrestable, and subject to forfeiture, yet the lessor, by usage of the City shall be paid for his rent behind, by two yeares, as is aforesaid, of the goods found within the same house.

*Warning to
the Tenant.*

Item, Where there be tenants within the City holding at will and will go out of their houses, and surrender the same up, they shall give warning to the lessor before their departure, viz. of the houses that they have to farme for 40.s. rent, and under, they shall give warning by a quarter of a yeare before the departure, at the perill of the tenant.

*Of Executi-
on at the
choise of the
plaintiffe.*

And in the same manner warning shall be given to the tenant, if the lessor will put out the tenant &c.

Item, When a man is condemned at the parties suit in debt, or in damages before the Sheriffes, the par-

ty

ry that hath so recovered may make choyce to have the body of him which is condemned, committed to prison, untill he hath made an agreement, or to have of his goods, at his perill.

Item, The pledges and Maynparnors, and Attornies taken and received within the Sheriffes Countors, and other proceffe there made, are held to be of record, as well as at the Courts holden within Guildhall.

Of Maynparnors, and Attornies received in the Countors.

Item, Every Alderman of London may by usage, record Attornies in pleas, depending in the Sheriffes Courts, and else-where in the Hustings, and in the Chamber.

Of Attornies.

Item, When an Enquest between parties is joyned, and sworn before the Sheriffes in pleas personall, if the parties will agree, the Court by usage may give day to the Enquest, to advise themselves of their verdict, untill some day ensuing, in manner as the parties may accord, and that at the perill of the plaintiffe, if any Juror dye, or any other case happen in the meane time.

Of day given to the Enquest

Item, The Jurors which are summoned in an Enquest, are not to be amerced, although they make default above 3.d. but if they tarry long, and will not come, the Sheriffes by usage may shut up their doors, and constrain them to come.

The amercedments of Jurors.

Item, The Enquests of office which are taken by the Sheriffes to enquire of frayes and batteries made against the Peace, are not traversable by new Enquest by usage, but at the parties suite, every party shall make his answer, notwithstanding the Enquest of office.

Enquest of Office.

Item, It is to be understood, that there be many other points and usages touching the Sheriffs Courts, whereof a man cannot have remembrance of all &c.

Item, That all generall Attornies made and received within the Countors of the Sheriffes of London,

Of generall Attornies.

are

are held to be upon record, as well as if they were taken at the Courts held at Guild-hall. And such Attornies are and ought to be entred in the grand paper of the aforesaid Sheriffes, for the fee thereof due, &c.

Item, That none shall offer any injury, in deed nor word to the Sergeants, or to the Bayliffes of the said City, nor that none disturbe them in doing execution of judgments, attaches, distresses, or other things which pertain to Bayliffes, or Sergeants to doe and which are commanded them, upon pain of imprisonment, and to make ranfome, according as the custome willeth to be done.

*Custome
for Citizens
to buy and sell
in publicke &
open places.*

Whereupon, as to the taking of the said salt the action lyeth, not for that the City of *London* is an ancient City of the King of *England* that now is. And that in the said City there is held, and time out of mind, whereof the memory of man is not to the contrary, hath been holden a common Market every holyday, as well for the Citizens of the said City, as for all other men whomsoever, to buy and to sell all, and all manner of things and merchandizes, in all publicke and open places within the said City, and the Suburbs and Liberties of the same: so that one of the contractors be a Freeman of the said City of *London*. And the said defendant saith, that as to the trespassse, when, &c. *A.B.* was possessed of the said salt, and hee so being of the said salt possessed, &c. that is to say, on the 20. day of *March*, &c. in the fifth yeare of the King that now is, being a holyday, the said *A.B.* in one open place, viz. in an open shop of the defendants situate in the parish of St. &c. *London* aforesaid, of the said City of *London*, openly did sell to the aforesaid defendant, the aforesaid salt and the cover thereof for 20 l. which the said defendant to the said *A. B.* then there

(57)
and there did pay. By reason whereof, the said defendant in the time and place where the trespass is supposed to be done, &c. the said Salt and his Cover then and there took, and carried the same away, as lawfull it was, &c. which said taking and carrying away of the said Salt and Cover are the same taking and carrying away of the said Salt and Cover, whereof the said plaintiffe, &c. And the said plaintiffe by his aforesaid Attorney cometh and requireth according to the custome of the said City of *London*, how the said defendant is a Free man of the said City.

And the said defendant by his Attorney aforesaid, saith, that by his Apprenticeship, that the Twentieth day of *May*, in the Seventeenth Yeare of the Raigne of King *H. 8.* Hee by the Name of *Thomas Barne* of *Dale* in the County of *Liecester* Husbandman, was Apprentice unto *John Ward* Citizen, Alderman and Grocer of *London*, and in his Apprenticeship, stood according to the custome of the said City, and admitted into the liberty of the said City, and sworne in the time of *John Radston*, then Mayor of the said City, and *John Husse*, then Chamberlaine thereto and entred in the booke, which is signed with the letter *M.* of the buyings and admissions of Freemen as of Record before the said Chamberlaine fully appeareth.

Moreover, that the said Defendant will verifie, that the said *John Bateman*, in the narration and plaint aforesaid nominated, and the said *I. B.* in the said Record, before the said *I. H.* Chamberlaine nominated, are one, and the same person, and not divers, and as well by the name of *I. B.* as by the name of *I. B.* alwayes hitherto knowne and called, and so hee saith, &c.

And the said Defendant saith, that he is a Freeman of
I the

of the said City of London, by his Apprenticeship, &c.
according to the custome.

All and every which matters, he the said defendant
is ready to verifie, as the Court, &c. and demandeth
if the atoresaid defendant, &c.



The

And the said Defendant, being a Freeman of



*The King to His well-beloved, and faith-
full William Merre, Adam of Sho-
penhange, and io Walter of Paden-
ham, assigned for the assessing of the tal-
lage, or customes, within Our Cities,
Burroughes, and Demeasnes, within the
County of Oxon, greeting.*

OUR Citizens and Merchants of Our Cty of
London, have shewed to us,
That whereas some of them have au'ed to bee
brought divers their goods and marchandizes from
London unto Henley, in the County aforesaid, there
to bee sold upon Market dayes, and with them to
trade from week to week.

And that some of them buy diver Goods and

I 2

Mer:

*In the white
book the 3.
part of the
3. book f. 50.*

Merchandizes in the parts there adjoyning, to bee brought to *LONDON*, for their profit to be made thereby.

And they hire little houses and places in the said Towne of *Henley*, from tearme to tearme, as well for the foresaid goods and merchandizes brought thither, to be laid up untill they may conveniently sell the same.

As also, for the aforesaid goods and merchandizes bought there in the said parts, to bee laid up untill conveniently they may carry the same from thence.

And any certaine houses, or Lands, or Tenements there they have not; neither make they any abode in the same place; neither are they in Scot and Lot with the men of the same towne.

Yea, neverthelesse, Ye by occasion of such their houses, places, and goods, and their merchandizes (so put in the same, doe thereupon very unjustly distreine them the said Citizens and Merchants to pay Tallage for Custome) as if they had their Houses, and lands, and tenements, and made their continuall abode; or were in Scot and Lot with the said men; to the great damage and burden of the said Citizens and Merchants,

And because it is not agreeable to Right, that Our said Citizens and Marchants in the said case should be taxed with the men aforesaid, especially seeing that they may freely exercize their Merchandizes throughout all Our Kingdome, &c. are taxed for their Marchandizes in Our City aforesaid, with their fellow Citizens there, as often as any tallage (or custome) shall happen to be assessed upon the Commonalty of that City.

Wee command you, that you doe not aslesse them Our said Marchants and Citizens, with the men aforesaid.

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foraid in the case aforesaid. But that you suffer them in this behalfe, to be in peace so long, notwithstanding as there shal not be other cause, wherefore they ought to be seized there.

Witnesse my Selfe at Westminster, the
xiiij. Day of February, in the vi.
Yeare of Our Reigne.

Item.

That no Carter within the Franchise, drive his Cart any faster when it is empty, then when it is laden, for eschewing of divers perills and grievances, upon paine of forty pence to the Chamber, and his body to prison at the will of the Mayor.

*In the same
booke the 4.
part f. 16.
B. side.
For driving
of Carts.*

Item.

For that the course of the Water of Thames, which wholly appertaineth to the City, is greatly disturbed by the purpresture of the keyes, and other adjesments made in the said water, to the great perill and damage of the whole City.

*In the same
booke the 4.
part. fol. 6..
B. side.*

And for the eschewing of greater perills and damages in time to come, It is ordained by the Mayor and Aldermen, with the assent of the Commons, That hereafter no purpresture shall be made by the making
of

of Keyes, nor in any other manner upon the Water
of Thames, without view of the Mayor and Alder-
men, and Commons, and unless their opinion
and judgments be, that such purpresture
will not bee unto the danger or
hinderance of the
City.



That no Carters within the City of London
shall or lawfully use any Cart or other Vehicle
for the carrying of any Goods or Merchandise
upon any Street or Highway within the City
of London, without the special License and
Privilege of the Mayor and Aldermen and
Commons of the City of London.



And for the better ordering of the same
Matters, the Mayor and Aldermen and
Commons of the City of London have
thought good to make and publish the
following Ordinances, to the intent that
the same may be observed and kept
according to the true intent and meaning
thereof.



A
TABLE

OF

Sundry Offices and Roomes in the City
of LONDON, within the Lord Majors
guist.

A Lvegers, Searchers, and Sealers of
Woollen Cloth.

Attorney ship in the Sheriffes Court.

Baker of the Bridge house.

Bayliffe of the Hundred of Osalfion.

Balwick of Southwark.

Beadleship of the Court of Request.

Bell man.

Clarke ship of the Lord Mayors Court.

Clark ship

Clarkeship of the Papers.
 Clarkship of the Chamber.
 Clarkship of the Counters.
 Clarkship of the Bridghouse
 Clarkship of the works & reparation stuffe.
 Clarkship of the Court of Request.
 Clarkship of the Commissioners for the in-
 largment of Prisoners in execution in
 the Counters.
 Clark of Bridewell.
 Clarkship of Blackwell Hall.
 Clarkship of the Commissioners for inlarg-
 ment of prisoners in the Kings Bench.
 common Sarieniship.
 common Pleaders.
 common Hant.
 common Cyers.
 common Controler.
 comptroler of the Chamber.
 collector of Scavage
 collectors of Wheeleage on London Bridg.
 Conduit at Dowgate drawing water.
 Forrintaker.
 Gauger of Wines and Oyle.
 Keeper of Blackwell Hall.

Keeper

Keeper of the Store-house in Blackwell
Hall.

Keeper of Worsted Hall.

Keeper of Bay-Hall.

Keeper of the Conduit at Newgate.

Keeper-ship of Ludgate,

Keeper ship of Newgate.

Keeper-ship of the Counters.

Keeper of the Counters in Southwarke.

Keeper of Bothlen.

Keeper of the Sessions house.

Keeper cleane of the Market, and Market-
house in Newgate Market, and Collectors
of duties there.

Keeper of the New-buriall place.

Keepers of the Wood and Coles for the poor
in severall places.

Measurage of Silkes, Cloth, and Linnen.

Meat-weighers.

Measurage of Cottons.

Measurage of Bayes.

Packer ship.

Prothonotari ship.

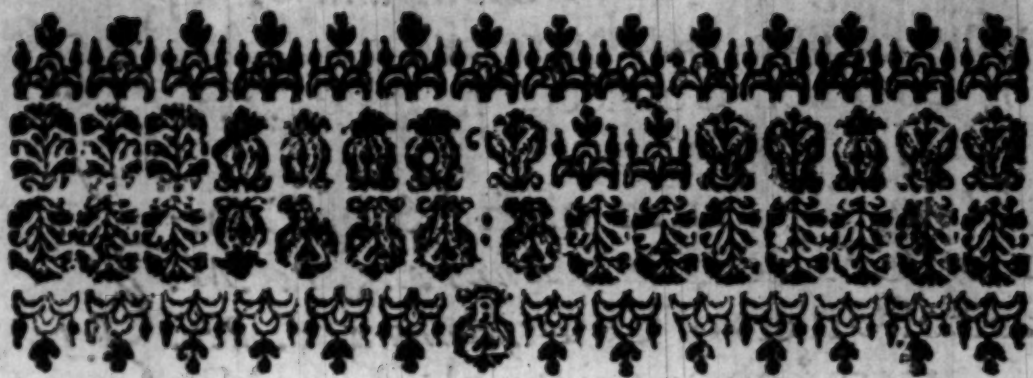
Portership of Blackwell Hall.

R

Porter-

Porter-ship of the Bridge-house.
 Remembrancer.
 Renter-ship of the Bridge-house.
 Renter-ship of Finsbury.
 Sword-bearer.
 Second-biriship.
 Solicitor ship.
 3 Sergeant Carvers.
 3 Sergeants of the Chamber.
 Sergeant of the Channel.
 Stewardship of Southwark.
 Stewardship of Finsbury.
 Town Clarke-ship.
 Under Sherifwick.
 Under Water-Bayley.
 Weigher of Ram-silkes.
 Walter Bayly.
 2 Teomen of the Chamber.
 4 Teomen of the Water-side.
 Teomen of the Channell.
 6 Young men.

PROFITS



PROFITS

TO

Be received by the Lord Mayor yearly,
and other Profits arising other-
wise.

Scavage.

It appeareth by severall Acts of Courts of
the Lord Mayor and Aldermen, one taken
Anno 4. E. 4. another taken, *Anno 6. E. 4.* by
an Act of Parliament, *19. H. 7. Cap. 8.* and by
other Acts of Court, and by continuall usage,
that the Moity of the Profits, of the Office of
Collection of Scavage, is due to the Lord Ma-
jor.

*Measurage of Linnen Cloth and
silke.*

Item, There is yearly due, and paid to the
Lord Major of the Profits of the Officers of

K 2

Measu.

Measurage of Linnen Cloth and Silke,
which is collected by vertue of an Act
of Common-Councell, made *An. 4. 5.*
P. M.

Item, By vertue of an Act of Common-Councell, made *Anno 4.5. Pet. M.* and of Orders of Court, *Anno 4.5. Pet. M.* there is to be paid to the Lord Mayor, toward the Feast kept at Guild-hall.

Item, There is paid yearly out of the Chamber, in respect of Wax-herrings, and Scurgion, which was wont to be yeilded to him by the Marchants of the Still-yard.

Wines.

Item, Paid by the Chamberlain yearly, in respect of 4 Tons of Wine, sometimes allowed to the Lord Major, to cause his right of making six Free-men in his yeare.

Major Sheriffes.

Presenting Mr. Sheriffe at the Exchequer. } 18. 16
 } 8. d.

Packer yearly, *per annum*. 100 marks.

Cole-Meators.

Cole-Meatours yearly, 10. l. a piece, and
since this rate appointed, these places
yeeld a greater summe.

The two last of the Anucientest are to be disposed for the Profit of the chamber.

7 per an.
 5 10. l. a
 1 piece.
 Gaining

(69)

Gawning.

Gawning, besides the Rent to the Chamber.

The Escheatership for *London*.

The Escheatership for *Southwark*.

The profit of the office of the Cockets.

Reversion of five offices to be grauted yearly at the request of the Lord Major to have one of them, which shall first fall, or of foure ; and the Clarkship of the Lord Majors Court, a part by it self, to be granted to one of the Under-clarks, serving in the same Court, after hee shall have served their seven yeares.

The Clarkship of the Court of Con-
science to be granted to the under-clark } 180.
of the Lord Majors Court.

F I N I S.